

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

TRUST U/ART FOURTH O/W/O ISRAEL  
WILENITZ, ESTATE OF EVELYN BEREZIN  
WILENITZ, KATHLEEN P. MULLINIX, as Executrix  
of the Estate of Evelyn Berezin Wilenitz, and SARA  
SEIMS, as Trustee of the Trust U/ART Fourth O/W/O  
Israel Wilenitz,

Defendants.

Adv. Pro. No. 10-04995 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY  
DISMISSAL OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and the Trust U/Art Fourth O/W/O Israel Wilenitz, Estate of Evelyn Berezin Wilenitz, and Kathleen P. Mullinix, as Executrix of the Estate

of Evelyn Berezin Wilenitz, and Sara Seims, as Trustee of the Trust U/ART Fourth O/W/O Israel Wilenitz (the “Defendants”) (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 2, 2010, the Trustee filed and served the Complaint against Defendants.

2. On September 16, 2015, Defendants served an answer on the Trustee.

3. On July 29, 2019, the Parties entered into a settlement agreement pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181].

4. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee’s claims against Defendants in the above-captioned adversary proceeding, and dismissing the adversary proceeding.

5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

6. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic, or electronic copy of this Stipulation shall be

deemed an original.

Dated: New York, New York  
August 30, 2019

**BAKER & HOSTETLER LLP**

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*Attorneys for Irving H. Picard, Trustee for  
the Substantively Consolidated SIPA  
Liquidation of Bernard L. Madoff Investment  
Securities LLC and the Estate of Bernard L.  
Madoff*

**SHEARMAN & STERLING LLP**

By: /s/ Sara Seims.  
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*Trustee of the Trust U/ART Fourth O/W/O  
Israel Wilenitz*

By: /s/ Randall L. Martin.  
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*Attorneys for Defendants Estate of Evelyn  
Berezin Wilenitz, and Kathleen P. Mullinix,  
as Executrix of the Estate of Evelyn Berezin  
Wilenitz*

**SO ORDERED**

**Dated: August 30<sup>th</sup>, 2019**  
**New York, New York**

**/s/ STUART M. BERNSTEIN**  
**HON. STUART M. BERNSTEIN**  
**UNITED STATES BANKRUPTCY JUDGE**